

CV - 07 4930

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROKSHANA A. MIAH
AND HOSSAIN ISLAM

Plaintiffs,

-against-

VALENTINE & KEBARTAS, INC.

Defendant.

(S.F.)
M

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 27 2007 ★

LONG ISLAND OFFICE

COMPLAINT

SIFTON, J.

POLLAK, M.

Plaintiffs, by and through their attorney, Adam J. Fishbein, as and for their complaint alleges as follows:

INTRODUCTION

0.1 This is an action for damages brought by individual consumers for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

PARTIES

0.2 Plaintiffs are natural persons residing in Queens County, New York.

0.3 Upon information and belief, defendant Valentine & Kebartas, Inc. is a foreign corporation with its principal location in Lawrence, Massachusetts. Defendant is a debt collector within the meaning of the FDCPA.

JURISDICTION

0.4 This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331.

AS AND FOR A FIRST CAUSE OF ACTION

(Claim for Rockshana A. Miah)

1.1 Plaintiff Rokshana A. Miah realleges paragraphs 0.1 through 0.4 as if fully restated herein.

1.2 That a personal debt was allegedly incurred by the plaintiff's husband, Hossain

Islam.

- 1.3 In fact the defendant sent the husband a collection letter dated July 6, 2007.
- 1.4 On or about August 14, 2007 a Ms. Johnson, who is believed to be an employee debt collector of the defendant, called the plaintiff's home.
- 1.5 Ms. Johnson spoke with the plaintiff.
- 1.6 Ms. Johnson indicated that she was calling from a doctor's office.
- 1.7 Ms. Johnson in fact was calling from a debt collector.
- 1.8 Ms. Johnson engaged in a clear act of deception her attempt to collect a debt.
- 1.9 Upon information and belief, the defendant has failed to educate its employees to comply with the FDCPA.
- 1.10 Upon hearing from Ms. Johnson that Ms. Johnson was calling from a doctor's office, the plaintiff became nervous and gave Ms. Johnson the plaintiff's husband's cellular telephone number.
- 1.11 Due to Ms. Johnson's outrageous conduct, the plaintiff became nervous and has suffered emotional distress damages.
- 1.12 Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:
 - (a) The defendant violated 15 U.S.C. § 1692d by engaging in conduct in connection with the collection of a debt, the natural consequence of which harassed, oppressed the plaintiff.
 - (b) The defendant violated 15 U.S.C. § 1692e(10) by using false deceptive and misleading means in connection with the collection of an alleged debt.
- 1.13 As a result of the above violations of the FDCPA, defendant is liable to the plaintiff for the sum of plaintiff's statutory and actual damages to be determined at trial, plus costs and attorney's fees.

WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant in the amount of:

- (a) Statutory and actual damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial.
- (b) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- (c) For such other and further relief as may be just and proper.

AS AND FOR A SECOND CAUSE OF ACTION

(Claim for Hossain Islam)

2.1 Plaintiff Hossain Islam realleges paragraphs 0.1 through 0.4 as if fully restated herein.

2.2 That a personal debt was allegedly incurred by the plaintiff to Chase.

2.3 Ms. Johnson contacted the plaintiff on his cellular telephone.

2.4 Plaintiff was upset at how Ms. Johnson obtained the plaintiff's cellular telephone number.

2.5 Plaintiff suffered emotional distress damages from the Ms. Johnson's having contacted the plaintiff through deceptive means.

2.6 Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) The defendant violated 15 U.S.C. § 1692e(10) by using false deceptive and misleading means in connection with the collection of an alleged debt and 1692d by harassing the plaintiff.

2.7 As a result of the above violations of the FDCPA, defendant is liable to the plaintiff for the sum of plaintiff's statutory and actual damages to be determined at trial, plus costs and attorney's fees.

WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant in the amount of:

(a) Statutory and actual damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial.

- (b) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- (c) For such other and further relief as may be just and proper.

Dated: Cedarhurst, New York
November 27, 2007



Adam J. Fishbein (AF-9508)
Attorney At Law

Attorney for the Plaintiff
483 Chestnut Street
Cedarhurst, New York 11516
Telephone (516) 791-4400
Facsimile (516) 791-4411

Plaintiff requests trial by jury on all issues so triable.



Adam J. Fishbein (AF-9508)

P.O. BOX 5804
TROY MI 48007-5804
RETURN SERVICE REQUESTED

S-OTVAKI10 L-301 A-006496562
P0DHCO00200227 100455
HOSSAIN ISLAM
C/O ATTY PUGLISI
NEW YORK NY 10123

Valentine & Kebartas, Inc.

P.O. Box 325 • Lawrence, MA 01842
(978) 975-0799 • (800) 731-7766

Office Hours
Monday - Thursday: 8am - 8pm
Friday: 8am - 5pm
Saturday: 8am - Noon

Account No.: 006496562
Current Due: 3713.77
Re: CHASE BANK USA N.A.

October 5, 2007

RE : CHASE BANK USA N.A.
Original Creditor : CHASE BANK USA N A
Current Amount Due : \$ 3713.77

Dear HOSSAIN ISLAM:

This letter is to inform you of a special offer on the collection account listed above.
Our client wants our records to reflect that they have made every attempt to resolve this matter. Please see the options listed below

- Take advantage of up to 50% off the current balance: Make a one time payment on or before 10-19-07.
- Take advantage of up to 35% off the current balance: Make two payment, 1st payment due on or before 10-19-07 and 2nd payment on or before 11-19-07.
- Take advantage of up to 20% off the current balance: Make three payments, 1st payment due on or before 10-19-07, 2nd payment on or before 11-19-07 and final payment on or before 12-19-07

Please call (800)731-7766 within 7 days to secure one of the above options.

Upon securing one of the above options, we will notify our client that a satisfactory arrangement has been made to settle the above debt.

Important Notice
This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.
PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION
DETACH BOTTOM PORTION AND RETURN WITH PAYMENT

Account No.: 006496562
Current Due: 3713.77
Re: CHASE BANK USA N.A.

Western Union Payment Instructions

Western Union "Quick Collect" - Quick and Easy!

Use Blue and White form
Pay to: Valentine & Kebartas
Code City: Valentine State: MA

For questions about how to pay your bill using Western Union - call them at 800-238-5772
or call Valentine & Kebartas directly.

IF PAYING BY VISA OR MASTERCARD COMPLETE BELOW		
<input checked="" type="checkbox"/> Visa <input type="checkbox"/> Mastercard		
Card Number		Must include 3 Digit Security Code From Back of Card:
Signature		Exp. Date
Printed Name		I AUTHORIZE CREDIT CARD PAYMENT FOR AMOUNT SHOWN BELOW
		AMOUNT OF PAYMENT \$

REMIT TO:

VALENTINE & KEBARTAS, INC.
P.O. BOX 325
LAWRENCE MA 01842-0625